

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 DIAMOND RESORTS U.S. COLLECTION
4 DEVELOPMENT, LLC,

5 Petitioner,

6 v.

7 LAWRENCE ERWIN FAISON and
8 MICHELLE R. FAISON,

9 Respondents.

Case No.: 2:21-cv-00107-APG-NJK

**Order Denying Motion for Entry of
Clerk's Default**

[ECF No. 10]

10 Petitioner Diamond Resorts moves for entry of clerk's default, contending the
11 respondents were served by "substitute service." ECF No. 10 at 1. The Affidavits of Service say
12 that the summonses were to be served on the respondents at 146 West Avenue, Elkins Park, PA.
13 ECF Nos. 8, 9. The affidavits state that the summonses were served on "Craig 'Doe,'" who
14 apparently is a "co-occupant." *Id.* But neither the affidavits nor Diamond Resorts' motion states
15 where service was made, and whether that location is the respondents' "dwelling or usual place
16 of abode." Fed. R. Civ. P. 4(e)(2)(B). Thus, I cannot determine whether the respondents were
properly served, which is a prerequisite for entry of default.

17 I THEREFORE ORDER that Diamond Resorts' motion for entry of default (ECF No.
18 **10) is denied.**

19 DATED this 29th day of March, 2021.

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21 ANDREW P. GORDON
22 UNITED STATES DISTRICT JUDGE
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